

REMARKS

Claims 1 and 51 are amended. Claims 1-15 and 45-51 are pending in the application.

Claims 1-15 and 45-51 stand objected to as having a claim scope extending beyond the elected invention. At pages 2-3 and 12 of the Action the Examiner sets forth a requirement to limit the scope of the claims such that R₁ contains two or three carbon atoms. Claim 1 is amended as required by the Examiner. Claims 2-15 and 45-51 are also limited by the amendment due to their dependence from claim 1. Applicant therefore requests withdrawal of the objection to the claims based upon claim scope in the Examiner's next action.

Claim 51 stands objected to as containing a typographical error. Claim 51 is amended as suggested by the Examiner. Accordingly, applicant requests withdrawal of the objection to claim 51 in the Examiner's next action.

Claims 1-15 and 45-51 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. The Examiner indicates that the claim 1 recited 'one or more additional components' renders the claim unclear. Without admission as to the propriety of the Examiner's rejection, claim 1 is amended to recite specific components. The amendment of claim 1 is supported by the specification at, for example, paragraphs 26-28. Applicant requests withdrawal of the § 112 rejection of claim 1, and claims 2-15 and 45-51 which depend therefrom in the Examiner's next action.

Claims 1-15 and 45-51 stand rejected under 35 U.S.C § 103 as being unpatentable over any of U.S. Patent Nos.: 6,603,021; 6,706,893; 6,632,951; and 6,670,483, (all to

Werpy). Each of the four cited references qualifies as prior art only under 35 U.S.C. § 102(e). Each of the four cited references and the present application were commonly owned by Battelle Memorial Institute at the time the invention was made. Therefore, in accordance with 35 U.S.C § 103(c), the four cited references are unavailable as a basis for any § 103 rejection of the present application. Claims 1-15 and 45-51 are therefore allowable relative to the four cited references.

Claims 1-15 and 45-51 stand rejected under the judicially created doctrine of obviousness-type double patenting relative to claims issued in commonly owned patents 6,603,021; 6,706,893; 6,632,951; and 6,670,483. Submitted herewith is applicant's terminal disclaimer obviating such rejection.

For the reasons discussed above, claims 1-15 and 45-51 are allowable. The application is believed to be in condition for immediate allowance and formal allowance is requested.

Respectfully submitted,

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